IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 2377 of 2005(G)

PETITIONER:

DR.JOSEPH ZACHARIA, THEVALAKKATT HOUSE, RAMAPURAM P.O., KOTTAYAM DISTRICT, REP. BY WIFE AND NEXT FRIEND BRIJITH JOSEPH.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

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1. **THE PRINCIPAL SECRETARY, HOME AFFAIRS, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

2. **STATE REP. CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

3. **DEPUTY SUPERINTENDENT OF POLICE, VIGILANCE HEAD QUARTERS UNIT II, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.2377/2005 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT IN CC 6/95 ON THE FILE OF THE ENQUIRY COMMISSIONER & SPECIAL JUDGE, THIRUVANANTHAPURAM.**

EXT.P2: **COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN CRL.A.704/96.**

EXT.P3: **COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.ANGEL MARY.**

EXT.P4: **COPY OF THE REPRESENTATION SENT BY THE PETITIONER BEFORE THE GOVERNMENT FOR REMITTING THE SENTENCE.**

/TRUE COPY/

P.S.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C).No.2377 of 2005 G

Dated this the 19th day of July, 2007.

JUDGMENT

The strenuous submissions of Sri.T.G.Rajendran notwithstanding, I am of the view that the only relief which the petitioner can aspire for is to have a copy of the decision taken by the Government on the application submitted under Section 432(1) of the Code of Criminal Procedure, since the stand of the Government is that the application was duly inquired into and a decision to dismiss the application was taken on receipt of the report from the Medical Board, which examined the petitioner.

Accordingly, the writ petition is disposed of directing the respondents to communicate the order passed by the Government on Ext.P4 application submitted by the petitioner to the petitioner, at the earliest, at any rate, within two weeks of his producing a copy of this judgment before the concerned respondent. It is open to the petitioner to challenge that order in appropriate fresh proceedings.

Sd/-

(PIUS C. KURIAKOSE)
JUDGE

sk/

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